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September 23, 2008

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DEPT. OF ENVIRONMENT AND
NATURAL RESOURCES,
SECRETARY'S OFFICE

Steven M. Pirner, Secretary
Department of Environment and Natural Resources
Division of Environmental Services
523 East Capitol, Joe Foss Building
Pierre, South Dakota 57501

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Chicago
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Robert L. Graham

Re: Request to Extend Comment Period

Dear Mr. Pirner:

We are writing on behalf of our clients, Save Union County, Citizens Opposed to Oil Pollution (C.O.O.P), and Sierra Club, to request an extension of the public comment period for the proposed PSD permit for the Hyperion facility in Union County. The public comment period began just over one week ago, and we have begun to review the draft permit and other relevant documents. We are now selecting expert witnesses to review and prepare reports on the draft permit. Their review and analysis of the draft permit and its attendant documents will undoubtedly take significant time, given the complexities involved in reviewing a proposal of this magnitude and the numerous documents it includes. Those experts also may need to retrieve documents regarding control technologies at other facilities as part of their review. As such, we believe that 30 days will not suffice for us to complete a thorough review. We request the comment period be extended to November 14, 2008, a 31 day extension.

In considering our request, please take into account that shortly we will request from the Department of Environment and Natural Resources ("Department") and from Region VIII of USEPA any and all additional documents pertinent to the proposal that are not available on the Department's Hyperion website. It will take some time for the Department and USEPA to respond to our request, and yet more time for us to adequately review those additional documents.

Thank you in advance for your consideration of this request.

Sincerely,


Robert L. Graham


John H. Davidson by RLG